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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1081 of 2005

Appellants	1.	Smt. Sharda Raghwan, Wd/o P. Raghwan, aged about 52 years.
	2.	Ku. Vineeta Raghwan, D/o late P. Raghwan, aged about 29 years. Both appellants are reside in Tatibandh, Raipur, District- Raipur (C.G.).
	Versus	
Respondents	1.	Sanjay Shah, S/o Sohan Lal Shah, L.I.G. 3, Tatibandh, Raipur, District- Raipur (C.G.).
	2.	Harish Sablok, S/o B. L. Sablok, Punjabi Colony, Katoratalab, Raipur, District- Raipur (C.G.).
	3.	The New India Insurance Co. Ltd. Through – Divisional Manager, Kachahari Chowk, Jail Road – Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. S. C. Verma, Advocate, for the appellants.

Mr. Sri Kumar Agarwal, Standing counsel for the Respondent No.3.

ORAL ORDER

(15th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. In this appeal preferred by the dependents of the deceased, though the learned counsel for the appellants contended that the M.A.C.T. was not justified in taking the income of the deceased as Rs.4000/- per month, we do not find any merit in that contention. Though the widow of the deceased examined as prosecution witness No.1 claimed that the deceased was a contractor and was earning monthly income of Rs. 8000/-, that plea remained as plea only without any proof. In the absence of any evidence in support

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of the above plea, the M.A.C.T. was right in taking the income of the deceased as Rs. 4000/- per month.

2. It was next contended by learned counsel that the M.A.C.T. was not justified in not awarding any compensation towards 'loss to the estate'. He also contended that what is awarded towards 'loss of consortium' and 'loss of love and affection' are on lower side. We found force in the contention. Having regard to the time and place where the accident took place, it cannot be said that what is awarded towards 'loss of consortium' and 'loss of love and affection' is just and reasonable compensation. In that view of the matter, we award sum of Rs. 20,000/- towards 'loss to the estate', Rs. 20,000/- towards 'loss of consortium' to the widow and further a sum of Rs. 20,000/- towards 'loss of love and affection' to the minor children.

3. The impugned award shall stand modified in the above terms. In all other respects, the impugned award shall remain unaltered. In the facts and circumstances of the case the parties to bear their respective costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur